

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHAN GEESEY,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	NO. 09-2988
v.	:	
	:	
STRYKER CORPORATION, et al.,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 3<sup>rd</sup> day of August 2010, upon consideration of Defendants' Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. No. 11), Plaintiff's Response in Opposition to the Motion (Doc. No. 17), Defendants' Reply in Support of the Motion (Doc. No. 18), argument made at the hearing held on May 26, 2010, and after a complete and independent review of Plaintiff's First Amended Complaint (Doc. No. 2) and Second Amended Complaint (Doc. No. 25), and for the reasons set forth in the Court's August 3, 2010 Opinion, it is **ORDERED** that Defendants' Motion to Dismiss (Doc. No. 11) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' Motion to Dismiss Plaintiff's strict liability claim is **GRANTED**.
2. Defendants' Motion to Dismiss Plaintiff's fraud and fraudulent concealment claims is **DENIED**.

3. The Court will schedule a pre-trial conference pursuant to Fed. R. Civ. P. 16 with Plaintiff and Defendants as to the remaining counts.

BY THE COURT:

/s/ Joel H. Slomsky, J.  
JOEL H. SLOMSKY, J.